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10/691,558	10/24/2003	Koji Watarai	4495-059	7512

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EXAMINER

ROBINSON BOYCE, AKIBA K

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/691,558

Applicant(s)

WATARAI ET AL.

Examiner

Akiba K Robinson-Boyce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 3 and 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. Due to communications filed 10/24/03, the following is a non-final first office action. Claims 1-4 are pending in this application and have been examined on the merits. Claims 1-4 are rejected as follows.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on 4/26/01. It is noted, however, that applicant has not filed a certified copy of the JP2001-130189 application as required by 35 U.S.C. 119(b).

Claim Objections

3. Claims 3 and 4 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only, and cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 3 and 4 have not been further treated on the merits.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "the classification codes" in claim 2 is a relative term that renders the claim indefinite. The term "the classification code" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Because the term "the classification code" is used, the entire claim and the scope of the invention unclear.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (US 6,064,985), and further in view of Thomas (US 3,865,380).

As per claim 1, Anderson discloses:

either a point-of-sale terminal provided in a store or a computer system for sales management of a company that includes an e-commerce-transaction device, (Col. 1, lines 5-8, [financial business system that automates evaluation]), and an evaluating computer connected to the point-of-sale terminal or computer system via a communications line, including the Internet, (abstract, lines 1-3, [data feed off Internet]);

wherein the evaluating computer comprises:

a Web server connected to the Internet, (Col. 5, lines 32-40, [usage of Internet by way of server]);

an application server for performing customer-equity evaluations, (col. 2, lines 9-12, [automated manager that is part of the automate computer system that performs evaluations]); and

a database for recording purchase records received from a company or store, (col. 2, lines 4-9, [database that includes stock purchased]);

the database comprises:

a table of original records for recording purchase records in the order that they are generated, (Fig. 7, [table of purchased stock]);

the application server comprises:

a purchase-data collecting means for receiving purchase records from companies and stores and recording these records in a table of original records, (Col. 5, lines 31-37, [data on stocks of selected index input into system]);

a customer-equity sorting means for determining the classification of customer equity...(Col. 13, lines 33-38, [stocks in the portfolio are classified]); and

a customer-equity evaluation means for counting the records in the master table of customers and table of original records and evaluating the customer equity for each company, (col. 13, line 45-Col. 14, line 37, [stock evaluation]);

and the customer-equity evaluation means comprises:

a total-customer-equity...(Col. 6, lines 6-7, [total value], and col. 13, line 29, [% earned on total capital]);

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an average-customer-equity...(col. 13, line 29, [average PE]),

the customer-stability ratio, (Col. 9, lines 4554, [stocks stabilized]); and

a customer-equity growth-ratio..., (Col. 9, lines 63-65, [growth stock]).

the following is obvious with Anderson since Anderson discloses communications via Internet:

a communications controller connected to a public communications line;

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to utilize a communications controller connected to a public communications line with the motivation of having means to actively communicate with the public.

The following is also obvious with Anderson since Anderson discloses that the stocks in the portfolio are classified as to their type, and that buyers have the right to buy particular stocks as shown in col. 14, lines 30-32. Therefore, specific customers have the right to buy stocks classified by type, so one can conclude that specific customers are directly associated with specific classes of stock and by recording classifications in the master table of customers, this directly associates the two:

a master table of customers; and recording these classifications in the master table of customers.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have a master table of customers and to record classifications in the master table of customers with the motivation of having a way to directly associate customers with certain classes.

Anderson fails to disclose a tabulation table for sorting records by time period/ tabulating means/a means of tabulating; but does disclose a portfolio management system that manages data in a database as shown in the Abstract, lines 1-2.

However, Thomas discloses:

a tabulation table for sorting records by time period/ tabulating means/a means of tabulating, (Col. 28, lines 16-18, [tabulation of share values]). Thomas discloses this limitation in an analogous art for the purpose of showing that the value of various numbers of shares of stock purchased can be tabulated.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to tabulate records by time period and to tabulate total-customer-equity, and average-customer-equity, customer-stability, and customer-equity growth-ratio with the motivation of allowing a user to easily access and manipulate data that relates to customer equity.

As per claim 3, Anderson discloses:

total-customer-equity...for counting and recording the total number of customers with transactions generated in the evaluating period, based on the purchase records, (Col. 6, lines 6-7, [total value], and col. 13, line 29, [% earned on total capital]);

an average-customer-equity tabulating means for counting the monetary amounts of all purchases and for calculating and recording the purchase amount per customer, (col. 13, line 29, [average PE]);

customer-stability ratio, for counting only the number of customers and purchase amounts for repeat customers, and for calculating and recording a customer-retention

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ratio represented in the total number of customers and their total purchase amounts(Col. 9, lines 45-54, [stocks stabilized]);

and a customer-equity growth-ratio...(Col. 9, lines 63-65, [growth stock]).

(5) calculating and recording the ratios of new customers and their purchase amounts to ex-customers and their purchase amounts, (Col. 12, lines 15-18, [periodic performance comparison based on newly input data])

Anderson fails to specifically disclose the following, however does disclose that buyers purchase additional stock, which represents a repeat customer, and new stock, which represents a new customer. Since new customers are disclosed, and data is periodically determined from this information, one can obviously conclude that the once new customer will be an old customer once the cycle repeats (see col. 11, line 62-col. 12,line 18). Anderson also discloses a periodic performance comparison based on newly input data as described above, therefore the following is obvious:

(1) counting the number of ex-customers, and their purchase amounts, who made purchases in the previous evaluating period but none in the current evaluating period; (2) calculating and recording cumulative total of the number of such ex-customers and their purchase amounts; (3) counting the number of new customers, and their purchase amounts, who began purchasing in the current evaluating period; (4) calculating and recording cumulative total of the number of such new customers and their purchase amounts.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to count the number or ex-customers and their purchase amounts,

calculate and record a cumulative total, count the number of new customers and their purchase amounts and calculate and record the cumulative total of such new customers with the motivation of having the ability to determine the ratio of new customers versus old customers.

Anderson fails to disclose a tabulation table for sorting records by time period/ tabulating means/a means of tabulating; but does disclose a portfolio management system that manages data in a database as shown in the Abstract, lines 1-2.

However, Thomas discloses:

a tabulation table for sorting records by time period/ tabulating means/a means of tabulating, (Col. 28, lines 16-18, [tabulation of share values]). Thomas discloses this limitation in an analogous art for the purpose of showing that the value of various numbers of shares of stock purchased can be tabulated.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to tabulate records by time period and to tabulate total-customer-equity, and average-customer-equity, customer-stability, and customer-equity growth-ratio with the motivation of allowing a user to easily access and manipulate data that relates to customer equity.

8. Claims 2, 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (US 6,064,985), and further in view of Thomas (US 3,865,380), and further in view of Horowitz et al (U 6,349,290).

As per claim 2, neither Anderson nor Thomas disclose the following, however, Anderson discloses classifying the stocks in a portfolio that customers have the right to buy in col. 13, lines 33-38.

However, Horowitz et al discloses:

wherein the customer-equity sorting means performs the following functions: (1) sorting, into specific customer classifications, purchase records for a specific brand, product, or store that is the target of evaluation, (col. 33, lines 13-17, [products grouped by product line]); (2) determining the periods and frequency of purchase-record occurrences within an evaluating period divided into prescribed time periods in which repeated purchases or store visits can be expected for the specific brand, product, or store that is the target of evaluation, (col. 4, lines 47-52, [frequency data, purchasing history data]); (3) classifying customers into three categories, including repeat customers, who have repeated purchases in the previous and current evaluation periods; ex-customers, who made purchases in the previous evaluation period but who have made no purchases in the current evaluation period, and new customers, who have begun purchasing in the current evaluation period, (col. 27, lines 27-29, [customers grouped into product categories, in this case, Horowitz et al does not specifically disclose repeat customers, ex-customers and new customers, however, these categories are obvious with grouping customers into categories since Anderson discloses that buyers purchase additional stock, which represents a repeat customer, and new stock, which represents a new customer. Since new customers are disclosed, and data is periodically determined from this information, one can obviously conclude

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that the once new customer will be an old customer once the cycle repeats (see col. 11, line 62-col. 12, line 18)); and (4) recording the classification codes for these customers in the master table of customers, (Col. 20, lines 41-45, [customer threshold in customer profile data area]). Horowitz et al discloses these limitations in an analogous art for the purpose of showing that purchase data can be incorporated into the determination of the delivery of information to a customer by a financial institution.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to utilize customer-equity sorting means that sorts purchase record information, classifies customers, and records the classification codes with the motivation of determining customer equity based on customer purchase data.

As per claim 4, neither Anderson nor Thomas disclose wherein the purchase records include at least one of a store code, a region code, or a purchase-classification code, and customer equity is evaluated according to such a code, however Anderson does disclose that stocks in a portfolio are classified in col. 13, lines 33-38 and used to determine equity values.

However, Horowitz et al discloses:

wherein the purchase records include at least one of...a region code, (col. 18, lines 36-44, [country code]). Horowitz et al discloses this limitation in an analogous art for the purpose of showing that a country code is used to access and interact with a financial system.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for the purchase record to include at least one of a region code

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with the motivation of determining customer equity according to the location that the customer resides.

Conclusion


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 703-305-1340. The examiner can normally be reached on Monday-Friday 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 703-305-9643. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



A. R. B.
August 20, 2004



ROMAIN JEANTY
PRIMARY EXAMINER
Art Unit 3623